IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Mat.Appeal.No. 67 of 2007()

AGAINST THE ORDER IN IA.2759/04 IN E.P. 120 OF 2005 IN OS.88/2001 of FAMILY COURT, NEDUMANGAD

.....

APPELLANT/PETITIONER /COUNTER PETITIONER// DEFENDANT

VALSON, V.G.NIVAS,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM.

BY ADV. SRI.J. JAYAKUMAR

RESPONDENT/COUNTER PETITIONER/PETITIONER/PLAINTIFF

GIRIJA, KALLIYILPPARA VEEDU,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM.

BY ADV. SMT.K. KUSUMAM

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

.....

MAT APPEAL No. 67 OF 2007

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Dated this the 20th March, 2007

J U D G M E N T

Sankaran, J:

The court below set aside the ex parte order passed against the petitioner/appellant on condition of payment of Rs. 40,000/- . Later it was pointed out that the balance due towards arrears of maintenance was only Rs.23,000/-. Therefore the court below directed the appellant to pay Rs.23,000/- as a condition for setting aside the ex parte decree. Though the case was posted on several dates, the amount was not paid. The application to set aside the ex parte decree was, therefore, dismissed.

2. After hearing the counsel for the appellant and also considering the facts and circumstances of the case, we are of the view that no modification is called for in the amount to be deposited as the condition for setting aside the ex parte decree . However, two months' time is granted to the appellant to deposit the sum of Rs.23,000/-. In case the appellant

deposits Rs.23,000/- on or before 15.06.2007, the ex parte decree passed against him will stand set aside. If the appellant fails to deposit the amount within the aforesaid period , this appeal will stand dismissed and the order passed by the court below shall stand confirmed.

SD/-
KURIAN JOSEPH,
JUDGE.

SD/-
K.T. SANKARAN,
JUDGE.

/true copy/

P.A. TO JUDGE

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